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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,204	05/09/2001	Naoya Suzuki	275755US6	3885
22850	7590	01/11/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PEREZ, JULIO R	
			ART UNIT	PAPER NUMBER
			2681	
DATE MAILED: 01/11/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/852,204	SUZUKI, NAOYA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Julio R. Perez	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 October 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-7,12,14,17 and 18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-7,12,14,17 and 18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

### ***Response to Arguments***

1. Applicant's arguments filed on 10/26/05 have been fully considered but they are not persuasive. Applicant argues that Nielsen does not teach transmitting an update notification signal to users.

In response, the claim language does not require when the notification occurs. Applicant admits the notification occurs after the user's log-in. This reads on the claim language because the claim does not specify the notification is sent immediately or is sent in real-time, or immediately after happening. Moreover, applicant relies upon a section of Nielsen that has not been applied. The relevant section is (col. 2, lines 46-61) as indicated in the office action.

### **DETAILED ACTION**

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (60555070) in view of Criss et al. (20020123335).

Regarding claim 1, Nielsen discloses an update monitoring apparatus, comprising: monitoring processing means for monitoring said contents to determine if any update has been made as to said contents (col. 2, lines 39-53, an apparatus monitors changes of contents on server residing on a network); and notifying means for

transmitting an update notification signals which indicates that said contents have been updated, wherein update notification signal includes data indicating said at least locations of contents that have been updated (col. 2, lines 46-61, location of contents located in a server are monitored for changes and related of the changes to the user).

Nielsen does not explicitly disclose the upgrading apparatus, storing means for storing data indicating at least locations of contents to be monitored and a communication identifier of a mobile communication terminal, which is informed of update of said contents to said mobile communication terminal over a radio telephone communication circuit network.

Nielsen relates an apparatus for monitoring updates in content on a network with an update monitor service server configured to inform computer users about changes in the contents, stored in a server, except that users are PC users as opposed to mobile communication terminals, as recited in the claim (col. 2, lines 46-53).

Criss et al. teach wireless software upgrades in a wireless communication system to mobile communication devices (col. 2, lines 55-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made implement the communication system as taught by Nielsen by implementing the system with the capability of providing information of updates on a server to mobile devices because it would provide Nielsen's system with an improved portable hybrid communication system.

Regarding claim 17, the combination of Nielsen and Criss teaches, wherein said communication identifier includes a telephone number of the mobile communication terminal (Criss, col. 2, lines 55-67).

Regarding claim 18, the combination of Nielsen and Criss teaches, wherein the telephone number of the mobile communication terminal is used to transmit and receive electronic mail messages (Nielsen, col. 5, lines 6-40).

4. Claims 3-7, 12, 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (60555070) in view of Nodoushani et al. (6144849).

Regarding claim 3, Nielsen discloses notifying means for notifying a user with an update notification signal that has been received over said radio telephone communication network, update notification signal indicating that contents being monitored by a remote monitoring apparatus have been updated (col. 2, lines 39-53); and means for generating an acquisition instructing signal (col. 2, lines 39-53); and radio transmitting means for transmitting an acquisition instructing signal to a prescribed information processing means, said prescribed processing means responding to the received acquisition instructing signal for instructing acquisition of said contents to that have been updated (col. 4, lines 60-67; col. 5, lines 1-5, 21-30).

Nielsen does not explicitly disclose the radio communication means for connecting by radio over a radiotelephone communication circuit network to perform communications.

Nodoushani et al. teach an object-oriented over the air service provisioning system (col. 1, lines 25-38; col. 3, lines 8-20; fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made implement the communication system as taught by Nielsen by implementing the system with the capability of providing information of updates on a server to mobile communication devices over telephone communication circuit network because it would provide Nielsen's system with an improved portable hybrid communication system that can relay a cellular call over a land line or a land line call over a cellular network.

Regarding claim 4, the combination of Nielsen and Nodoushani discloses, wherein said notifying means shows that said contents have been updated, on a display screen (Nielsen, col. 5, lines 21-40).

Regarding claim 5, the combination of Nielsen and Nodoushani discloses, wherein said acquisition instructing signal includes data indicating at least locations of said contents (Nielsen, col. 5, lines 21-40).

Regarding claim 6, the combination of Nielsen and Nodoushani discloses, wherein said acquisition instructing signal is a download instructing signal, said contents that have been updated are located at a server and said information apparatus accesses said server through said radio communication means download said contents according to download instruction signal, and said radio transmitting means transmits said downloaded contents to said prescribed information processing apparatus (Nielsen, col. 2, lines 46-61; col. 5, lines 21-40).

Regarding claim 7, the combination of Nielsen and Nodoushani discloses, further comprising operation-inputting means for instructing transmission of said acquisition instructing signal (Nielsen, col. 2, lines 46-61; col. 5, lines 21-40).

Claims 3-7, 12, 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (60555070) in view of Nodoushani et al. (6144849).

Regarding claims 12, Nielsen discloses an update notification system, configured to notify a user with an update notification signal that contents being monitored as to updates has been updated, said update notification signal being received by the mobile terminal from, and for transmitting an acquisition instructing signal to instruct acquisition of said contents by radio transmitting means, to a prescribed information processing apparatus (col. 2, lines 28-61; col. 5, lines 21-40).

Nielsen does not explicitly disclose an update monitoring apparatus for storing data indicating at least locations of said contents to be monitored and a communication identifier of said mobile communication terminal which is informed of update of said contents, and for transmitting said update notification signal to said mobile communication terminal over said radio telephone communication circuit network when said contents stored in a prescribed server is updated; and an information processing apparatus for receiving said acquisition instructing signal to instruct acquisition of said content by radio transmitting means, transmitted from said mobile communication terminal, and for acquiring said contents from said prescribed server based on said acquisition instructing signal over said mobile communication terminal.

Nielsen relates an apparatus for monitoring updates in content on a network with an update monitor service server configured to inform PC users about changes in the contents, stored in a server, except that users are PC users as opposed to mobile communication terminals, as recited in the claim (col. 2, lines 46-53).

Nodoushani et al. teach an object-oriented over the air service provisioning system to mobile communication terminals and over a PSTN, corresponding to a circuit network (col. 1, lines 25-38; col. 3, lines 8-20; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made implement the communication system as taught by Nielsen by implementing the system with the capability of providing information of updates on a server to mobile communication devices over telephone communication circuit network because it would provide Nielsen's system with an improved portable hybrid communication system that can relay a cellular call over a land line or a land line call over a cellular network.

Regarding claim 14, Nielsen discloses a contents acquisition instructing method, comprising: a receiving step of receiving an update notification signal to make a notice that contents stored in a prescribed server have been updated (col. 2, 39-61); notifying a user based upon said received update notification signal, that said contents have been updated (col. 2, lines 50-53); a first transmitting step of transmitting an acquisition instructing signal to instruct acquisition of said contents updated, to a prescribed information processing apparatus (col. 5, lines 21-40); downloading said contents that have been updated according to the acquisition instructing signal (col. 2, 39-61; col. 5,

lines 21-40); and transmitting said downloaded contents to said prescribed information processing apparatus (col. 2, 39-61; col. 5, lines 21-40).

Nielsen does not explicitly disclose for connecting over a radiotelephone communication circuit network for notification.

Nodoushani et al. teach an object-oriented over the air service provisioning system over PSTN (col. 1, lines 25-38; col. 3, lines 8-20; fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made implement the communication system as taught by Nielsen by implementing the system with the capability of providing information of updates on a server to mobile communication devices over telephone communication circuit network because it would provide Nielsen's system with an improved portable hybrid communication system that can relay a cellular call over a land line or a land line call over a cellular network.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

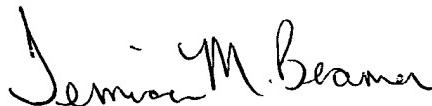
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272- 4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Julio Perez  
1/9/06

  
TEMICA BEAMER  
PRIMARY EXAMINER  
